



[3510-P-16]

## **DEPARTMENT OF COMMERCE**

### **United States Patent and Trademark Office**

#### **37 CFR Chapter I**

**[Docket No.: PTO-P-2012-0002]**

### **Patent Public Advisory Committee Public Hearings on the Proposed Patent Fee Schedule**

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of Public Hearings.

**SUMMARY:** Under Section 10 of the America Invents Act (AIA), the United States Patent and Trademark Office (USPTO) may set or adjust by rule any patent or trademark fee established, authorized, or charged under Title 35 of the United States Code or the Trademark Act of 1946, respectively. The USPTO currently is planning to set or adjust patent fees pursuant to its Section 10 fee setting authority. As part of the rulemaking process to set or adjust patent fees, the Patent Public Advisory Committee (PPAC) is required under Section 10 of the AIA to hold a public hearing about any proposed patent fees, and the USPTO is required to assist PPAC in carrying out that hearing. To that end, the USPTO will make its proposed patent fees available as set forth in the Supplementary Information section of this Notice before any PPAC hearing and will help the PPAC to notify the public about the hearing. Accordingly, this document announces the dates and

logistics for two PPAC public hearings regarding USPTO proposed patent fees.

Interested members of the public are invited to testify at the hearing and/or submit written comments about the proposed patent fees and the questions posed on PPAC's Web site about the proposed fees.

**DATES:** *Public hearings:* February 15 and 23, 2012.

*Comments:* For those wishing to submit written comments, but not requesting an opportunity to testify at either public hearing, the deadline for receipt of those written comments is February 29, 2012.

*Oral testimony:* Those wishing to present oral testimony at either hearing must request an opportunity to do so in writing no later than February 8, 2012.

*Pre-scheduled speakers:* Pre-scheduled speakers providing testimony at the hearings should submit a written copy of their testimony for inclusion in the record of the proceedings no later than February 29, 2012.

**ADDRESSES:** *Public hearings:* The PPAC will hold public hearings on Wednesday, February 15, 2012, beginning at 8 a.m., Eastern Standard Time (EST), and ending at 3 p.m., EST, at the USPTO, Madison Auditorium, Concourse Level, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314, and on Thursday, February 23, 2012, beginning at 8 a.m., Pacific Standard Time (PST), and ending at 3 p.m., PST, at the Sunnyvale Public Library, 665 W. Olive Avenue, Sunnyvale, California 94086.

*E-mail:* Written comments should be sent by e-mail addressed to [fee.setting@uspto.gov](mailto:fee.setting@uspto.gov).

*Postal mail:* Comments may also be submitted by postal mail addressed to: United States Patent and Trademark Office, Mail Stop CFO, P.O. Box 1450, Alexandria, VA 22313-1450, ATTN: Michelle Picard. Although comments may be submitted by postal

mail, the USPTO prefers to receive comments via e-mail. Written comments should be identified in the subject line of the e-mail or postal mailing as "Fee Setting." Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or telephone number, should not be included in the comments.

*Web cast:* The public hearings will be available via Web cast. Information about the Web cast will be posted on the USPTO's Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)) before the public hearing.

*Transcripts:* Transcripts of the hearings will be available on the USPTO Internet Web site ([www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)) shortly after the hearings.

**FOR FURTHER INFORMATION CONTACT:** Michelle Picard, Office of the Chief Financial Officer, by phone 571-272-6354, or by e-mail at [michelle.picard@uspto.gov](mailto:michelle.picard@uspto.gov); or Janet Gongola, Office of the Under Secretary and Director, by phone at 571-272-8734, or by e-mail at [janet.gongola@uspto.gov](mailto:janet.gongola@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Requests to testify should indicate the following: (1) the name of the person wishing to testify; (2) the person's contact information (telephone number and e-mail address); (3) the organization(s) the person represents, if any; and (4) an indication of the amount of time needed for the testimony. Requests to testify must be submitted by e-mail to Jennifer Lo at [Jennifer.Lo@uspto.gov](mailto:Jennifer.Lo@uspto.gov). Based upon the requests received, an agenda for witness testimony will be sent to testifying requesters and posted on the USPTO Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)). If time permits, the PPAC may permit unscheduled testimony as well.

Effective September 16, 2011, with the passage of the AIA, the USPTO is authorized under Section 10 of the AIA to set or adjust by rule all patent and trademark fees established, authorized, or charged under Title 35 of the United States Code and the Trademark Act of 1946, respectively. Patent and trademark fees set or adjusted by rule under Section 10 of the AIA may only recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including administrative costs of the Office with respect to each as the case may be.

Congress set forth the process for the USPTO to follow in setting or adjusting patent and trademark fees by rule under Section 10 of the AIA. Congress requires the relevant advisory committee to hold a public hearing about the USPTO fee proposals after receiving them from the agency. Congress likewise requires the relevant advisory committee to prepare a written report on the proposed fees and the USPTO to consider the relevant advisory committee's report before finally setting or adjusting the fees. Further, Congress requires the USPTO to publish its proposed fees and supporting rationale in the Federal Register and give the public not less than 45 days in which to submit comments on the proposed change in fees. Finally, Congress requires the USPTO to publish its final rule setting or adjusting fees also in the Federal Register.

Presently, the USPTO is planning to exercise its fee setting authority to set or adjust patent fees. The USPTO will publish a proposed patent fee schedule and related supplementary information for public viewing no later than February 7, 2012, on the USPTO Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)). In turn, the PPAC will hold two public hearings about the proposed patent fee schedule on the dates

indicated herein. The USPTO will assist the PPAC in holding those hearings by providing resources to organize the hearings and by notifying the public about the hearings, such as through this Federal Register Notice.

To gather information from the public about the USPTO's proposed patent fees, the PPAC will post specific questions for the public's consideration on the PPAC's Internet Web site (address: <http://www.uspto.gov/about/advisory/ppac>) after the USPTO publishes its proposed patent fee schedule. The public may wish to address those questions in its hearing testimony and/or in written comments submitted to PPAC as described herein.

Following the PPAC public hearing, the USPTO will publish a Notice of Proposed Rulemaking in the Federal Register, setting forth its proposed patent fees. The publication of that Notice will open a comment window through which the public may provide written comments directly to the USPTO. Additional information about public comment to the USPTO will be provided in the USPTO's Notice of Proposed Rulemaking.

Date: January 24, 2012

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David J. Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

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